

DATE

Ms. Sheena Johnson
Johnson Vocational Services
801 King Street
Deridder, Louisiana 70634

Re: **Louisiana Board of Ethics Docket No. 2021-1022**
Advisory Opinion

Dear Ms. Johnson:

The Louisiana Board of Ethics, at its meeting on January 7, 2022, considered your request for an advisory opinion as to whether the Code of Governmental Ethics ("Code") prohibits you or your company, Johnson Vocational Services LLC, from contracting with Louisiana Rehabilitation Services to provide employment services following your resignation.

FACTS PROVIDED

The Louisiana Workforce Commission ("LWC") operates the Louisiana Rehabilitation Services ("LRS") program, which assists persons with disabilities in their desire to obtain, maintain, or advance in employment opportunities and achieve independence in their communities. To achieve this goal, LRS offers the Vocational Rehabilitation Program, which offers comprehensive rehabilitation services that include work evaluation and job readiness services, assessment for and provision of assistive technology, job counseling services, and medical and therapeutic services.

You were employed by LWC Region V as an entry-level rehabilitation counselor in the Vocational Rehabilitation Program. Your duties included assessing the functional limitations and potential of eligible consumers, counseling consumers, family members, and others relative to prognosis, and providing guidance, training, vocational alternatives, and placement services to achieve rehabilitation goals.

You stated that you reported to LWC Region V Manager Harold Beard and that you did not supervise any other LWC employees. You resigned your employment with LWC on October 1, 2021.

The LRS program also offers Employment services, including prescreening of applications based on job requirements, on-site training and support services, job restructuring, accessibility survey of complete work site, devices and specialized equipment to assist in job success, and follow-up services. These services are provided by LWC through third-party vendors. You stated that you did not perform any of these services while employed by LWC.

Following your resignation from LWC, you've opened your own company, Johnson Vocational Services LLC. You ask whether you or your company can contract with LWC to provide employment services.

LAW

La. R.S. 42:1121B(1) provides the following post-employment restrictions for you individually:

No former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

La. R.S. 42:1121C provides the following post-employment restrictions for your company:

No legal entity in which a former public servant is an officer, director, trustee, partner, or employee shall, for a period of two years following the termination of his public service, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such public servant at any time participated during his public service and involving the agency by which he was formerly employed or in which he formerly held office.

La. R.S. 42:1102(2)(a)(i) defines "agency" for public servants in the twenty principal department of the executive branch of state government, to mean the office in which such public servant carries out his primary responsibilities.

La. R.S. 42:1102(12) defines "governmental entity" to mean the state or any political subdivision which employed the former public employee.

ANALYSIS

While employed by LWC Region V, your "governmental entity" was the State of Louisiana, and your "agency" was the LWC Region V office. As such, La. R.S. 42:1121B(1) prohibits you, for a period of two years from your resignation, from receiving compensation to assist any person in a transaction involving the State of Louisiana, if you participated in assisting that person while employed by LWC Region V. Additionally, La. R.S. 42:1121B(1) prohibits you, for a period of two years from your resignation, from contracting with LWC Region V to provide the same vocational rehabilitation services that you provided while employed by LWC Region V.

Further, La. R.S. 42:1121C will prohibit your company, Johnson Vocational Services LLC, for a period of two years from your resignation, from receiving compensation for assisting any person in a transaction involving LWC Region V that you assisted while employed by LWC Region V.

However, La. R.S. 42:1121 does not prohibit you, or your company from contracting with LWC Region V to provide employment services, since you did not render employment services while employed by LWC Region V, **provided those services are not being performed for LWC consumers you assisted while employed by LWC Region V.**

CONCLUSION

The Board concluded, and instructed me to inform you, that La. R.S. 42:1121 does not prohibit you from contracting with LWC Region V to provide employment services, **provided those services are not being performed for LWC consumers you assisted while employed by LWC Region V.**

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct and that the Board's expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (800)842-6630 or (225)219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board